IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3063 OF 2004

Vinayak Ramulu Kontham : Petitioner

V/s.

The Director, Technical Education

Department, Maharashtra & Ors. : Respondents

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Mr.I.M.Khairdi for the petitioner.

Mr.R.M.Patne, Asstt. Govt. Pleader, for respondent nos.1 & 3.

Mr.V.B.Rajure for respondent no.2.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

October 19, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Patne, learned Asstt. Govt. Pleader for respondent nos.1 and 3 and Mr.Rajure for respondent no.2 waive service.

Heard by consent.

2. The short issue involved in this petition is that the

petitioner was granted admission to B.E. Degree course on condition that the petitioner should produce the requisite Caste Validity Certificate as well as Non-Creamy Layer Certificate before December 2003. It appears that the petitioner was not clearly aware of the last date before which the same were to be produced. However, there is no dispute that the petitioner has got Caste Validity Certificate dated 21.5.2003 certifying the petitioner to be Togati caste which is an O.B.C. The petitioner also has the requisite Non-Creamy Layer certificate dated 23.6.2003. However, as the petitioner had not produced the aforesaid two Certificates before the prescribed period of December 2003, respondent no.2 College on the instructions of respondent no.1 has cancelled the admission by letter dated 10.3.2004. As the petitioner has the requisite certificates and due to certain misunderstanding the petitioner did not produce the same before the last date, the admission was cancelled. Having regard to the facts and circumstances of the case and the larger interest of justice, we quash and set aside the aforesaid order dated 10.3.2004 and direct the petitioner to produce both the Caste Validity Certificate dated 21.5.2003 as well as Non-Creamy Layer Certificate dated 23.6.2003 to respondent no.2 within a period of three weeks from today to enable respondent no.2 to forward the

same to respondent no.1.

3. The rule is made absolute in the aforesaid terms.

4. Parties to act on a copy of this order duly authenticated by the Sheristedar/Personal Secretary.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)